

Remarks

Claims 1, 3-8, 10-13, and 15-20 are pending in the application and the same are rejected. Claims 1, 3-8, 10-13, and 15-20 remain in the application and are presented for review and further consideration by the Examiner.

The Examiner has rejected claims 1, 3-6, 8, 10, 11, 13, and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over Albal, U.S. Patent No. 5,826,034 in view of Park, U.S. Patent No. 6,545,774 (Examiner's Action, pages 2-4). The Examiner states that Park teaches storing the electronic data to a non-volatile storage device and examining the storage device for electronic data after an interruption in electrical power to detect a failure in the complete transmission of electronic data.

Applicants respectfully disagree.

Park does not disclose the electronic data being stored in a non-volatile storage device. As required by the language of Applicants' claims, the electronic data is derived from optically scanning a document. Thus, the electronic data of Applicants' claims corresponds to the image data of Park. Park clearly discloses the image data as not being stored in non-volatile memory (col. 3, lines 64-66 and Fig. 3). Since Park does not disclose the image data being stored in non-volatile memory, Park does not disclose the electronic data, as used in Applicants' claims, being stored in a non-volatile storage device.

Furthermore, Park does not disclose examining the storage device for the electronic data (image data) after an interruption in electrical power to detect a failure in the complete transmission of electronic data. Park merely discloses determining whether the facsimile transmission or reception is complete (col. 3, line 67 – col. 4, line1). No discussion of how that determination is made is included in Park. Additionally, since the electronic data (image data) is not stored in the non-volatile storage device, it would be pointless for Park to look there for the electronic data.

In contrast, Applicant's independent claims 1, 8, and 13 include storing the electronic data to a non-volatile storage device and detecting a failure in the

complete transmission of electronic data to the e-mail server by examining the storage device for the electronic data after the interruption in electrical power and responsive to detecting a failure in the complete transmission of electronic data, establishing communication with an e-mail server to transmit the electronic data. The Examiner does not assert that Albal discloses these limitations and, as discussed above, Park does not include these limitations. Since neither Park nor Albal includes these limitations, the combination of Park and Albal does not make Applicants' claims obvious.

The Examiner has rejected claims 7, 12, and 20 under 35 U.S.C. 103(a) as being unpatentable over Albal as applied to claims 1, 8, and 13 above, and further in view of Nobuta (U.S. Patent No. 5,258,853).

Applicants' respectfully disagree.

In view of Applicants' arguments with respect to independent claims 1, 8, and 13 being allowable, Applicants respectfully submit that the remaining dependent claims are also allowable because they contain all of the limitations of their respective independent claims and further add structural and functional limitations.

The foregoing arguments are believed to be a complete response to the most recent Examiner's Action.

No new matter has been added.

It is respectfully submitted that there is no claim, teaching, motivation, or suggestion in any of the prior art cited, alone or in combination, to produce what Applicants claim.

It is further submitted that the application defines patentable subject matter and that the claims are in a condition for allowance. Such allowance at an early date is respectfully requested.

Should any issues remain which would preclude the prompt disposition of this case, it is requested that the Examiner contact the undersigned practitioner by telephone.

Respectfully submitted,
Stephen K. Johnson
Kristin S. Dahl
Theresa L. McGuire
Clint S. Cuzzo

By Mark G. Pannell
Mark G. Pannell
Reg. No. 40,761

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(719) 260-7900